

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

DANIEL SPANO, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

V&J NATIONAL ENTERPRISES, LLC,
V&J UNITED ENTERPRISES, LLC and
V&J HOLDING COMPANIES, INC.,

Defendants.

NOTICE OF MOTION

Case No. 16-cv-06419-EAW-MWP

PLEASE TAKE NOTICE that, upon all the prior pleadings and proceedings had herein and the accompanying Memorandum of Law, the Plaintiff Daniel Spano, individually and on behalf of all others similarly situated, and by and through his undersigned attorneys, Finkelstein, Blankinship, Frei-Pearson & Garber, LLP (“FBFG”), will bring a motion before this Court, on a date and time which will be provided by the Court later, respectfully moving this Court (i) for partial reconsideration of the August 30, 2017 Decision and Order and (ii) for an order that the class action waiver purportedly executed by Plaintiff is invalid and unenforceable.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Rule 7(a)(1), Plaintiff intends to file and serve reply papers to any opposition filed and served by Defendants and, unless a different schedule is ordered by the Court, will do so within seven (7) days after service of papers responsive to this motion.

Date: September 27, 2017

Respectfully submitted,

By:

Jeremiah Frei-Pearson

Jeremiah Frei-Pearson
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*Attorney for Plaintiff
and the Putative Class*